

REGULATION 2.05 Prevention of Significant Deterioration of Air Quality

Air Pollution Control District of Jefferson County Jefferson County, Kentucky

Relates To: KRS Chapter 77 Air Pollution Control

Pursuant To: KRS Chapter 77 Air Pollution Control

Necessity and Function: KRS 77.180 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation, which adopts the Federal Prevention of Significant Deterioration of Air Quality program, provides for the prevention of significant deterioration of air quality where the national ambient air quality standards have been achieved.

SECTION 1 General Provisions

The version of 40 CFR 52.21 *Prevention of Significant Deterioration of Air Quality* specified in Regulation 1.15, Version of Federal Regulations Adopted and Incorporated by Reference is adopted and incorporated by reference with the following changes:

1.1 The following portions of 40 CFR 52.21 are not incorporated:

1.1.1 (a)(1),

1.1.2 the second sentence of (b)(2)(iii)(a),

1.1.3 (b)(55),

1.1.4 (b)(56),

1.1.5 (b)(57),

1.1.6 (b)(58),

1.1.7 (s),

1.1.8 (u),

1.1.9 (cc),

1.1.10 (q). The District shall follow the applicable public participation procedures in District Regulation 2.07.

1.2 The term "administrator" as it appears in 40 CFR 52.21 shall mean the Louisville Metro Air Pollution Control District (hereinafter "District"), except that:

1.2.1 In subparagraph (b)(3)(iii) (relating to "net emissions increase"), it shall mean either the District or the Administrator of the United States Environmental Protection Agency (USEPA).

1.2.2 In the following subsections, it shall continue to mean the Administrator of the USEPA:

1.2.2.1 (b)(17),

1.2.2.2 (b)(37)(i),

1.2.2.3 (b)(43),

1.2.2.4 (b)(48)(ii),

1.2.2.5 (b)(49),

1.2.2.6 (b)(50)(i),

1.2.2.7 (b)(51),

1.2.2.8 (g),

1.2.2.9 (l)(2),

1.2.2.10 (p),

1.2.2.11 (t).

- 1.3 Subsection (c) *Ambient air increments* shall have the following sentences added at the end: “No single new or modified stationary source may consume an inordinate portion of the available increment, as determined by the Board. The Board may consider air quality and economic impacts on the community in determining the appropriate amount of increment allowed for a new or modified stationary source.”
- 1.4 Subsection (h)(1) shall read: “The degree of emission limitation required for control of any air pollutant under this section shall not be affected in any manner by a dispersion technique pursuant to District Regulation 2.10 *Stack Height Considerations*.”
- 1.5 Subsection (h)(3) is added and shall read: “The Board may require an increase in the stack height of a proposed new source or modification if the applicant’s modeling demonstration indicates an inordinate amount of increment consumption. In no event shall such increased stack height exceed the stack height allowed for the modeling demonstration pursuant to subsection (h)(1) of this Regulation.”
- 1.6 The Executive Director of the District shall transmit to the Administrator of the USEPA a copy of each permit application filed under this regulation and shall notify the Administrator of the USEPA of each significant action the Executive Director takes on the application.

SECTION 2 Effect of Stay, Vacatur or Withdrawal

Pursuant to KRS 77.180, any section or subsection of 40 CFR 52.21 *Prevention of Significant Deterioration of Air Quality* that is subsequently stayed, vacated, or withdrawn by USEPA or a federal court shall be deemed stayed, vacated, or withdrawn by the District.

- 2.1 For any section or subsection of 40 CFR 52.21 *Prevention of Significant Deterioration of Air Quality* that is subsequently stayed, the effectiveness of the section or subsection shall be delayed until the completion of the reconsideration process or the resolution of the proceeding for judicial review. The period of delay shall begin and end on the date specified in the notices of stay published in the Federal Register for that section or subsection.
- 2.2 For any section or subsection of 40 CFR 52.21 *Prevention of Significant Deterioration of Air Quality* that is subsequently vacated or withdrawn, the section or subsection shall be null and void as of the date specified in the notice of vacatur or withdrawal published in the Federal Register for that section or subsection.

Adopted v1/4-19-72; effective 4-19-72; amended v2/6-13-79, v3/4-21-82, v4/11-16-83, v5/4-16-86, v6/2-17-88, v7/4-19-89, v8/6-19-02, v9/5-20-09, v10/11-17-10, v11/9-21-16.